

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVID GARRIE and JERRY WILLIAMS, on §  
behalf of themselves and others similarly §  
situated, §

Plaintiffs, §

V. §

BC TECHNICAL, INC., §

Defendant. §

CIVIL ACTION NO. 4:10-cv-03377

**ORDER**

Pending before the Court is Plaintiffs' Expedited Motion to Conditionally Certify a Collective Action and to Issue Notice. After considering the pleadings, the motion, brief in support, any response thereto, and all legally competent evidence, the Court **GRANTS** Plaintiffs' motion.

It is therefore ordered that:

1. The Court conditionally certifies a collective action under Fair Labor Standards Act section 216, and authorizes Plaintiffs' counsel, Mark J. Oberti, of Oberti Sullivan LLP, to issue opt-in notices and consent forms to all Field Service Engineers who have worked for BC Technical, Inc., from September 21, 2007, to the present. The notice to be sent shall be in the form of the notice attached to Plaintiffs' Expedited

Motion to Conditionally Certify a Collective Action and to Issue Notice as Exhibit 1, *except as*

2. The Court further orders BC Technical, Inc. to produce to Plaintiffs' counsel in a usable electronic format no later than *fourteen (14) or* ~~seven (7)~~ days from entry of the Court's Order, the names, last known addresses, last known residential and cell phone

*mod. filed  
by me  
court on  
Feb. 16,  
2011.  
~J.*

numbers, e-mail addresses, last four digits of their Social Security Number, and dates of employment as Field Service Engineers, of all persons employed by Defendant in a Field Service Engineer position from September 21, 2007 to the present.

3. The Court orders that the envelope that the aforementioned notices shall be mailed in an envelope that states on the outside of the envelope in regular or bold typeface: "Important – Court Authorized Notice of Unpaid Overtime Lawsuit Against BC Technical, Inc." Plaintiffs' counsel may also e-mail the notices to the Field Service Engineers with the same notice on the cover e-mail attaching the notices.

4. Finally, the Court orders that the form and substance of the consent forms to be sent to the other Field Service Engineers shall be in the same form and substance as the consent forms Plaintiffs signed and that were filed with the complaint in this case.

SIGNED THIS 16<sup>th</sup> DAY OF February, 2010.

  
UNITED STATES DISTRICT COURT JUDGE PRESIDING  
*Magistrate*